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8 *Attorneys for Plaintiffs*

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 “JENNY”, “RAVEN”, ‘ANNA’, “CARA”,
12 “SARAH”, “LILY”, “JANE DOE” conservator for
“SAVANNAH,” a protected person, and ‘JANE
DOE,’ conservator for “SKYLAR”, a minor,
13 “MAUREEN”, “VIOLET”, “JESSY”, “PIA”,
“MYA” and ALENA DOE as next friend for
14 MARIA, a minor.

15 Plaintiffs,

16 v.

17 JOSEPH ANDREW MOLLICK,

18 Defendant.

Case No: 3:23-cv-5634

COMPLAINT

Jury Trial Demanded

19 The Plaintiffs, on their own behalf and by their corresponding next friends, and conservators as
20 indicated, and through their attorney of record John A. Kawai of Trial Lawyers For Justice allege for
21 their complaint as follows:

22 //

NATURE OF THE ACTION

1
2 1. This is a suit for damages arising out of the Defendant’s violations of federal criminal
3 child pornography statute 18 U.S.C. §§ 2252 (a)(4)(B) and (b)(2).

4 2. 18 U.S.C. § 2255(a) allows victims of child pornography crimes to recover liquidated
5 damages in the amount of \$150,000, and the cost of the action, including reasonable attorney’s fees
6 and other litigation costs reasonably incurred. The Court may also award punitive damages and grant
7 such other preliminary and equitable relief as the Court determines to be appropriate.
8

PARTIES

9
10 3. “Jenny” is an adult and resides outside of the Northern District of California.

11 4. “Jenny” is a pseudonym for the victim depicted in the Jenny child pornography series.

12 5. “Raven” is an adult and resides outside of the Northern District of California.

13 6. “Raven” is a pseudonym for the victim depicted in the Teal&PinkPrincess2 child
14 pornography series.

15 7. “Anna” is an adult and resides outside of the Northern District of California.

16 8. “Anna” is a pseudonym for the victim depicted in the MiddleModelSister child
17 pornography series.

18 9. “Cara” is an adult and resides outside the Northern District of California.

19 10. “Cara” is the pseudonym for the victim depicted in the MotorCouch child
20 pornography series.

21 11. “Lily” is an adult and resides outside the Northern District of California.

22 12. “Lily” is the pseudonym for the victim depicted in the Vicky child pornography series.

23 13. “Sarah” is an adult and resides outside the Northern District of California.
24

1 14. “Sarah” is the pseudonym for the victim depicted in the Marineland1 child
2 pornography series.

3 15. “Jane Doe” is the mother and court appointed conservator for “Savannah” who is a
4 protected person and resides outside of the Northern District of California.

5 16. “Savannah” is the pseudonym for the victim depicted in the Jan_Socks2 child
6 pornography series.

7 17. “Jane Doe” is also the mother and court appointed conservator for “Skylar” who is
8 currently a minor and resides outside of the Northern District of California.

9 18. “Skylar” is the pseudonym for the victim depicted in the Jan_Socks3 child
10 pornography series.

11 19. “Maureen” is an adult and resides outside the Northern District of California.

12 20. “Maureen” is the pseudonym for the victim depicted in the Lighthouse1 child
13 pornography series.

14 21. “Violet” is an adult and resides outside of the Northern District of California.

15 22. “Violet” is a pseudonym for the victim depicted in the At School child pornography
16 series.

17 23. “Jessy” is an adult and resides outside the Northern District of California.

18 24. “Jessy” is a pseudonym for the victim depicted in the Surfer Hair child pornography
19 series.

20 25. “Pia” is an adult and resides outside the Northern District of California.

21 26. “Pia” is a pseudonym for a victim depicted in the Sweet White Sugar child
22 pornography series.

23 27. “Mya” is an adult and resides outside the Northern District of California.
24

28. “Mya” is a pseudonym for the victim depicted in the Sweet Pink Sugar child pornography series.

29. “Alena Doe” is a pseudonym for “Maria’s” mother who acts as next friend for “Maria” who is a minor and resides outside of the Northern District of California.

30. “Maria” is a pseudonym for a victim depicted in the Best Necklace child pornography series.

31. Each of the plaintiffs is a person who was sexually abused as a child and whose sexual abuse is depicted in images of child pornography seized from defendant's possession.

32. Joseph Mollick (hereinafter “Defendant”) is an adult who, upon information and belief, at all material times resides within the Northern District of California.

JURISDICTION AND VENUE

33. Federal subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1331 because this is a civil action arising under 18 U.S.C. § 2255.

34. Venue is proper pursuant to 28 U.S.C. §§ 1391(b)(1) and (2) because (i) this is a civil action brought in the judicial district where, on information and belief, the Defendant resided at the time of the offenses alleged herein and (ii) a substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred in this judicial district.

FACTS

The Defendant Was Convicted of Possession of Child Pornography in Violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2).

35. Defendant was charged in the United States District Court, Northern District of California, in the matter denominated United States v. Joseph Andrew Mollick, (NDCA) Case No. 3:21-cr-00452-VC-1, with the crime of Possession of Child Pornography in violation of 18 USC §§

1 2252(a)(4)(B) and (b)(2). This crime was alleged to have been committed on or before August 18,
2 2021.

3 36. On January 9, 2023, Defendant pleaded guilty to Possession of Child Pornography as
4 charged and was sentenced on May 24, 2023, with a judgment entered against him on May 30, 2023.

5 37. The Court, in its judgment entered on May 30, 2023, ordered Defendant to pay
6 restitution as set forth in the stipulation.

7 **Plaintiffs are Victims of Defendant's Crime of Possession of Child Pornography**

8 38. Plaintiffs have each elected to receive notices via the United States Department of
9 Justice Victim Notification System (VNS) which alerts them when they are potential victims in
10 investigations by federal law enforcement agencies.

11 39. On information and belief, analysts at the National Center for Missing and Exploited
12 Children (NCMEC) matched child pornography images on the Defendant's computer to child
13 pornography images of Plaintiffs in NCMEC's database and notified the government of its findings in
14 a CVIP report.

15 40. On December 17, 2021, Plaintiffs first received notice from VNS that their child
16 pornography images were among those possessed by Defendant in violation of federal child
17 pornography law.

18 **CLAIM FOR RELIEF**

19 **Civil Remedy under 18 U.S.C. § 2255(a)**

20 41. The Plaintiffs repeat and re-allege all prior paragraphs.

21 42. 18 U.S.C. § 2255, entitled "Civil Remedy for Personal Injuries," provides that any
22 person who is a victim of a violation of 18 U.S.C. § 2252(a)(4)(B) and who suffers personal injury as
23 a result of such violation shall recover the actual damages such person sustains or liquidated damages
24

1 in the amount of \$150,000, and the cost of the action, including reasonable attorney's fees and other
 2 litigation costs reasonably incurred.

3 43. The Defendant pleaded guilty to the predicate federal child pornography crime found
 4 at 18 U.S.C. § 2252(a)(4)(B).

5 44. 18 U.S.C. § 2252(a)(4)(B) provides that any person commits a federal crime who:
 6 knowingly possesses, or knowingly accesses with intent to view, 1 or
 7 more books, magazines, periodicals, films, video tapes, or other matter
 8 which contain any visual depiction that has been mailed, or has been
 9 shipped or transported using any means or facility of interstate commerce
 10 or in or affecting interstate or foreign commerce, or which was produced
 11 using material which have been mailed or so shipped or transported, by any
 12 means including by computer, if (i) the producing of such visual depiction
 13 involves the use of a minor engaging in sexually explicit conduct; and (ii) such
 14 visual depiction is of such conduct.

15
 16 45. Each Plaintiff is a victim of Defendant's violation of 18 U.S.C. § 2252(a)(4)(B).

17 46. The Plaintiffs each elect liquidated damages in the amount of \$150,000 and the cost of
 18 the action, including reasonable attorney's fees and other litigation costs reasonably incurred,
 19 prejudgment and post-judgment interest, and such other relief as the Court deems appropriate.

20 47. The Plaintiffs are not seeking "actual damages" under 18 U.S.C. § 2255.

21 **RELIEF REQUESTED**

22 WHEREFORE, the Plaintiffs each request judgment against the Defendant as follows:

23 48. Liquidated damages in the amount of \$150,000 each pursuant to 18 U.S.C. § 2255(a);
 24

49. Reasonable attorney's fees pursuant to 18 U.S.C. § 2255(a);
50. Litigation costs pursuant to 18 U.S.C. § 2255(a);
51. Pre-judgment and post-judgment interest;
52. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

Respectfully submitted,

Dated: October 31, 2023.

TRIAL LAWYERS FOR JUSTICE

By /s/ John A. Kawai

John A. Kawai

Attorney for Plaintiffs